

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PATRICK BRADY, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 AIR LINE PILOTS ASSOCIATION,)
)
 Defendant.)

**RULE 26(c) CERTIFICATE OF ALLEN PRESS
OF GOOD FAITH ATTEMPT TO RESOLVE**

I declare under penalty of perjury that the foregoing facts are true and correct to the best of my information and belief:

1. On December 21, 2012, defendant's counsel served plaintiffs' counsel with subpoenas for the depositions of two absent class members, Scott Schwartz and John Hefley. In doing so, defendant's counsel asked plaintiffs' counsel to accept service of the subpoenas.

2. On January 2, 2013, I called defendant's counsel, Dan Toal, to discuss the depositions of the absent class members. I asked how the witnesses' testimony would be relevant to the class' damages. Mr. Toal responded that he did not need to explain how their testimony would be relevant, and refused to offer an explanation other than to say the witnesses supported American Airline's purchase of TWA in 2001. I indicated I did not believe any such testimony would be relevant, and declined to accept service of the subpoenas.

3. Defendant then reissued subpoenas for the depositions from the District Courts where the witnesses reside (N.D. Calif., and D. Vt.).

4. On January 10, 2013, I called Mr. Toal, and asked whether defendant would withdraw the subpoenas. He said defendant intended to go forward with the depositions.


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